Pregnancy, Parenting and the Workplace...

What Employees and Employers Need to Know

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Pregnancy, Parenting & the Workplace

What Employees and Employers Need to Know

This handbook brings together, in one place, practical information for employees and employers about pregnancy, parenting and the workplace. The following organizations have worked together to produce this guide.

Saskatchewan Human Rights Commission

Saskatchewan Labour
(Work and Family Unit, Labour Standards Branch, Status of Women Office)

Service Canada

Saskatchewan Health

Breastfeeding Committee for Saskatchewan

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Note:

Though this handbook discusses certain aspects of the federal *Employment Insurance Act* as well as Saskatchewan's *Human Rights Code, Labour Standards Act* and *Occupational Health and Safety Act*, it is not a legal document. The original Acts and Regulations should be consulted for all purposes of interpreting and applying the law. Since laws and regulations are constantly being updated, you may want to contact the appropriate agency for the latest information.

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Please Note: We recognize that a great deal of important work is unpaid, including work done in the home. For the sake of brevity, we use the term "work" in this handbook to refer to paid employment.

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Check it out...
Most businesses in Saskatchewan – about 90 percent – are covered by Saskatchewan's *Human Rights Code*, *Labour Standards Act* and *Occupational Health and Safety Act*. Some businesses and organizations, including banks, Canada Post and inter-provincial trucking, fall under the federal *Canada Labour Code* and *Canadian Human Rights Act*. This handbook does not discuss these federal laws. Please see Part 6 for more information.

Introduction

- Can a pregnant employee be fired, or forced to start maternity leave early?
- Can a father stay home from work when his child is ill?
- How much money will employees receive from the Employment Insurance Program (EI) when they are on maternity, adoption or parental leave?
- Can an employee be passed over for promotion because she is soon to begin maternity leave?
- How can employers support employees who plan to continue breastfeeding when they return to work?

These questions and many others will be answered in the following pages.

For the sake of simplicity, this handbook is organized around different phases of the parenting journey. Each part represents one step on that journey, and discusses the main questions and issues employees and employers will have at that particular stage.

In reality, the work-family experience cannot be divided into such neat compartments. For this reason, we encourage readers to browse through the entire table of contents. An employee who is pregnant, for example, may already be a parent. She will find helpful information in Part 2, *Working through pregnancy,* and also in the discussion in Part 5 of laws and policies allowing her to stay home when her children are ill.

Employees will find this book helpful if they are pregnant, planning to start a family, or already balancing work and family responsibilities.

Employers will find the book useful if their employees include current or future parents.

This handbook is general in nature. It does not discuss individual cases or confirm whether an individual is entitled to benefits or time away from work. If you want advice about your particular situation, there are people available to help you. See Part 6, *Information and help,* for organizations that may be able to help you find answers to your questions.

Pregnancy, parenting and the workplace

Today, most people who have embarked on the parenting journey are also members of the paid workforce. In Saskatchewan and across Canada, a large majority of children aged five and under have parents who are employed.[1]

Parenthood, in all its diversity, is a fundamental part of life for many employees. They want to parent well and be effective employees. Their employers also wish to see working parents integrate their earning and parenting roles successfully. This goal is often referred to as "balancing work and family needs."

Employers and employees both benefit from knowing their rights and responsibilities under human rights and employment law. Family-friendly workplaces generally have less turnover and absenteeism than those in which employees must struggle to balance work and family responsibilities, and their employees experience less stress.[2]

All parts of Canada have developed laws and government policies that help support employees with family responsibilities while maintaining productive workplaces. For example, in Saskatchewan:

- human rights law protects employees from discrimination because of pregnancy, sex or family status
- labour standards law sets out basic rights to job protection and time off work for pregnant and parenting workers
- Employment Insurance (EI) benefits provide financial support to eligible employees who take time off work because of disability, maternity or parental leave.

Sometimes, employers and employees experience problems because they are unfamiliar with these laws. Discrimination because of pregnancy, for example, is still far too common. By understanding their rights and responsibilities, employers and employees can work cooperatively towards the common goal of a productive, supportive and discrimination-free working environment.

Part ONE

Thinking about becoming a parent

Part 1 is about the first step on the parenting journey, the stage at which employees are thinking about having or adopting children. This part gives an overview of **human rights protections** under *The Saskatchewan Human Rights Code*, a provincial law that protects employees from discrimination based on sex, pregnancy or family status. Discrimination can occur at the hiring stage or later. And, it can occur even before people decide to have children.

Protections at the hiring stage and beyond

Some Human Rights Definitions

What is discrimination?
Discrimination is the harmful treatment of an individual or group, based on certain personal characteristics. *The Saskatchewan Human Rights Code* establishes which characteristics (or "prohibited grounds of discrimination") are covered. They include sex, pregnancy and family status. Discrimination does not need to be intentional to be illegal. For example, a rule or policy may be developed for good business reasons but have an unintended, negative effect on pregnant employees. Discrimination can be built right into systems or standard business practices. For instance, a company may require all employees to work full-time and meet the same physical demands. A pregnant employee may need lighter duties, shorter hours or other changes in order to keep on working. Often, indirect discrimination occurs when an employer does not meet the duty to accommodate discussed in Part 2 of this handbook.

What is discrimination based on sex?
Under *The Saskatchewan Human Rights Code*, discrimination because of sex includes discrimination because of pregnancy, pregnancy-related illness, childbirth, or any circumstances related to pregnancy or childbirth.

What is discrimination because of family status?
Under *The Saskatchewan Human Rights Code*, family status means the status of being in a parent and child relationship. "Parent" and "child" are interpreted broadly to include anyone acting in those roles. See *Human rights protections* in Part 5 for more information about family status protections.

Can an employer ask job applicants about their plans to have children?

Most employers know they can't refuse to hire someone for a discriminatory reason. But the *Code* also prohibits questions that might lead to employers eliminating job applicants simply because of their potential to become parents. Employers cannot ask job applicants about sex, family status or marital status on application forms or in interviews. For example, employers should be careful not to:

- advertise for childless employees or indicate they prefer them
- ask applicants if they are pregnant, or using birth control
- ask applicants about their plans to marry, or to have or adopt children

Asking questions in a job interview: Tips for employers

At an interview it is generally inappropriate for employers to ask questions about personal or family life. It is a good idea to ask everyone the same, standard questions to show applicants will be assessed only on their ability to do the work. For information on what questions can and cannot be asked, see the Human Rights Commission's pamphlet *A Guide to Application Forms and Interviews for Employers and Job Applicants*. (See Part 6 for the Commission's Web site address.)

Can an employer deny an employee a promotion or training opportunities because she might become pregnant?
No. Employees who are pregnant or could become pregnant have the right to the same job opportunities as other employees.

Protecting the health of future parents
Under *The Occupational Health and Safety Act*, employers have a duty to provide safe and healthy work environments for their employees. Workers must also protect their own health and safety. Health includes reproductive health. Employers should protect male and female employees from harmful chemicals or other conditions that could harm their ability to have healthy children in the future.

If employees are concerned about hazards in their workplace, they should talk to their supervisor or employer first, then their workplace Occupational Health Committee (OHC) or Occupational Health and Safety Representative. If there is neither an OHC nor a representative in their workplace, they should contact the Occupational Health and Safety Division at Saskatchewan Labour.

Part TWO

Working through pregnancy

"There have been profound changes in women's labour force participation ... Combining paid work with motherhood and accommodating the childbearing needs of working women are ever-increasing imperatives. That those who bear children and benefit society as a whole thereby should not be economically or socially disadvantaged seems to bespeak the obvious. It is only women who bear children; no man can become pregnant ... It is unfair to impose all of the costs of pregnancy upon one-half of the population."

Dickson, CJC (Chief Justice of Canada)
Brooks v. Canada Safeway Ltd.,
Supreme Court of Canada, 1989

Pregnancy and human rights

A. Protection from discrimination

Employees have the right to freedom from discrimination because of pregnancy, as well as the right to freedom from discrimination because of all other prohibited grounds of discrimination. Human rights protections apply to all pregnant employees, regardless of how long they have worked for an employer or whether they are still on probation.

How does human rights law protect pregnant women from discrimination?

Discrimination because of pregnancy is one form of discrimination based on sex. This kind of discrimination can occur at any time from conception to childbirth. It can also occur when a woman experiences miscarriage, stillbirth, or other complications of pregnancy. Employers should make sure pregnant workers enjoy the same rights, benefits and opportunities as employees who are not pregnant. In most cases, pregnant employees can only be treated differently if they ask for changes to their duties or work environment, particularly for health reasons.

What are some examples of discrimination based on pregnancy?

There are many ways discrimination can occur. For example, an employer should not:

- fire, lay off or otherwise penalize a woman because she is pregnant
- demote her, reduce her salary, or change her working conditions in a negative way
- cut her hours of work, or reduce her number of shifts

- deny her benefits (such as disability benefits) that would normally be available to her

It is also discrimination for an employer to fail to accommodate the needs of pregnant employees. (See *The duty to accommodate* section in Part 2.)

Can an employer require an employee to start maternity leave early?

An employee can keep working right up until her child is born, as long as her health allows it. It would be discriminatory to require her to stop work before she needs or wants to, unless she is unable to perform her work to the point where her limitations are causing the employer undue hardship.

Did you know...?

The Labour Standards Act also requires employers to accommodate the needs of pregnant employees. Accommodation might include, among other things: moving a pregnant employee working as a spray painter outside the paint room to work as a packer; shortening 12-hour shifts; or assigning an employee to work only day shifts rather than a number of different shifts. For more information or advice about your own situation, contact the Labour Standards Branch at Saskatchewan Labour.

B. Protection from harassment

Harassment because of sex, pregnancy, or family status is considered a form of discrimination and a violation of *The Saskatchewan Human Rights Code*.

How are pregnant employees protected from harassment in the workplace?

Behaviour that makes an employee feel uncomfortable or unwelcome because of pregnancy could be considered harassment. Harassment can be physical, such as touching the stomach of a pregnant woman, or it can involve negative comments or crude or demeaning jokes about pregnancy, childbirth or breastfeeding.

C. The duty to accommodate

Human rights law requires employers to accommodate needs related to sex, pregnancy or family status unless doing so would create undue hardship for the employer.

What is accommodation?

Accommodation simply means changes or adjustments to working conditions or hours of work that make it possible for an employee to continue working. For example, a pregnant woman may temporarily need lighter duties or shorter hours. The duty to accommodate applies to family status as well as gender, and to all stages of the parenting journey.

What is undue hardship?

Undue hardship usually means high financial costs, serious health or safety hazards, or a serious impact on the rights and well-being of others. The employee's inability to do the job, even with accommodation, would also be undue hardship for the employer. To prove undue hardship, employers must provide objective evidence that accommodation is impossible. They should document their efforts to explore all possible forms of accommodation.

Did you know...?

The Occupational Health and Safety Act also protects employees from harassment. This *Act* requires all Saskatchewan employers to ensure their workers are not exposed to harassment, and to implement a written policy to prevent harassment in the workplace. Employers and employees should talk with their workplace Occupational Health Committee (OHC) or Occupational Health and Safety Representative. If there is neither an OHC nor a representative in their workplace, they should contact the Occupational Health and Safety (OHS) Division at Saskatchewan Labour. A sample policy is available from the Division.

What if a woman needs time off work during pregnancy?

Pregnant employees may need short periods of time off work to see a doctor, or lengthier leaves because of pregnancy-related conditions like threatened miscarriage. In some cases, the time off work may be temporary, and a woman may then return to work until her maternity leave begins. In other cases, a woman may go directly from medical leave to maternity leave. If an employee needs time off work because of pregnancy, her employer has a duty to accommodate her.

How does accommodation work?

Employers and employees should work together to figure out the best way of accommodating a pregnant employee. Accommodation works best as a joint process.

> **Working with Video Display Terminals (VDTs)**
> Pregnant workers who have any concerns about VDT work should talk first to their supervisor or manager or employer, then their Occupational Health Committee (OHC) or their Occupational Health and Safety Representative. If there is neither an OHC nor a representative in their workplace, they should contact the Occupational Health and Safety Division at Saskatchewan Labour.

What are some ways an employer can accommodate pregnancy?

There are many ways to accommodate pregnant employees. Some examples include:

- time off work for doctors' visits
- chairs, for employees who usually stand while working
- flexibility with regard to washroom breaks, scheduling, and other working conditions

- (where requested) reduced hours of work, lighter duties, or temporary reassignment to other duties or another work location
- special measures or equipment to prevent health risks
- modified uniforms or dress requirements
- medical leave to recover from miscarriage or stillbirth

The duty to accommodate will vary from one situation to another. For more information, contact the Saskatchewan Human Rights Commission or the Labour Standards Branch at Saskatchewan Labour.

How are pregnant women who work with harmful substances in the workplace protected?

Provincial law requires employers, upon the worker's request, to take steps to protect pregnant women who work with or around harmful chemical or biological substances or radiation. Such steps might involve minimizing the worker's exposure to a harmful substance or reassigning the worker to less hazardous work if it is available.

If workers are concerned about how the hazards in their workplace could affect a pregnant woman or her child, they should talk first to their supervisor, manager or employer, then their Occupational Health Committee (OHC) or Occupational Health and Safety Representative. Concerned employers should consult with their OHC or representative. If there is neither an OHC nor a representative in their workplace, they should contact the Occupational Health and Safety Division at Saskatchewan Labour.

Pregnancy and Labour Standards

The Labour Standards Act protects employees who are pregnant or temporarily disabled because of their pregnancy.

Can an employee be fired because of pregnancy or a pregnancy-related illness?

No. An employer cannot dismiss, lay off, suspend or otherwise discriminate against an employee because she:

- is pregnant
- is temporarily disabled because of pregnancy, or
- has applied for maternity leave.

If an employee who is pregnant or on leave because of a pregnancy-related illness is disciplined (dismissed, laid off or suspended) the employer must show that the action was taken for good reason and not because the employee was pregnant or on leave.

What happens if an employee gets sick because of her pregnancy and has to leave work before her maternity leave is scheduled to begin?

If a pregnant employee can provide a medical certificate saying she must stop work immediately for medical reasons, she may leave work without giving the employer prior notice. She is not required to start her maternity leave at this time and can delay the start of her 18-week maternity leave up to the estimated date of birth.

Do employees get their job back after a leave for a pregnancy-related illness?

Yes. When the employee returns to work, she should be placed in the same job or a comparable one with similar responsibility with no loss of seniority or benefits or reduction in wages. For purposes of seniority and the rights of recall, being on the prescribed leave does not break service. Seniority and the right of recall continue to accrue while the employee is on leave.

How are annual holidays affected when an employee takes a leave for a pregnancy-related illness?
After returning from leave due to a pregnancy-related illness, an employee has the right to the same annual holidays she would have received if the leave had not been taken.

Employer benefit plans

Human rights and labour standards laws apply to most Saskatchewan employees. In some workplaces, employers may provide additional benefits which are contained in a company benefit plan or union contract.

What is an employer benefit plan?
An employer benefit plan may provide additional benefits such as sick pay or disability payments, or a "top-up" to Employment Insurance (EI) benefits paid to employees on leave. Plans may help to pay for things such as prescription drugs, dental care, physiotherapy or extra medical expenses. Under human rights law, employers who provide additional benefits must do so in a way that does not discriminate against employees on the basis of sex, pregnancy or family status.

leave = time off

benefits = money

Can a pregnant employee use earned, paid sick leave before or after childbirth?
If the employer provides sick pay or disability benefits, a pregnant employee should be able to use these benefits in the same way as other employees. If she uses them after her child is born (during the period she is unable to work for medical reasons), this may reduce the number of weeks she is entitled to receive EI benefits. However, sick pay is generally higher than EI.

What if the employer does not have a sick leave or benefit plan?
Employees may be eligible for sickness benefits under the federal Employment Insurance Program. See Part 3, *Becoming a parent,* for more information. Contact Service Canada at 1-800-206-7218 for more information or visit their Web site at www.servicecanada.gc.ca.

In 1989, the Supreme Court of Canada looked at a company accident and sickness plan that barred pregnant women from benefits during a 17-week period before and after childbirth. Pregnant women were denied disability pay even if their absence was not related to pregnancy. In *Brooks v. Canada Safeway Ltd.*, Chief Justice Dickson found the plan discriminated against women because of their sex, saying pregnancy was a "valid health-related reason" for absence from the workplace.

In 1992, the Alberta Court of Queen's Bench said in *Alberta Hospital Association v. Parcels* that women are entitled to the same benefits as workers on sick leave for "that portion of their maternity leave that is health-related." The court noted that at least part of any maternity leave is health-related. Since no two pregnancies are the same, the length of this period should be determined by a woman's doctor. During the health-related absence, a woman should be able to claim any benefits that would be available to her if she were unable to work for other health reasons.

The court also said it did not matter whether the health-related portion of maternity leave occurred before, during or after the unpaid "voluntary" part of maternity leave. In the health-related portion, a woman can use any health benefits to which she is entitled, including sick pay.

Health-related reasons can include, among other things, high blood pressure, gestational diabetes, post-partum depression, caesarian delivery, or simply the need to recover from childbirth.

Maternity and breastfeeding – looking ahead

For individual women, pregnancy and maternity are part of the same biological process. Pregnancy leads not only to childbirth but also to a close, ongoing bond that will include – for many mothers and children – the practice of breastfeeding.

When should a pregnant employee talk to her employer about her plans to breastfeed when she returns to work?

The process of accommodation begins long before an employee returns to the workplace. Many women decide early in their pregnancy to breastfeed their children after their return to work. It is advisable for them to discuss this with their employers before they go on maternity leave. This will give the employer time to identify and put in place workable and appropriate accommodations. See Part 4, *Returning to the workplace,* for accommodation ideas.

Part THREE

Becoming a parent

This part provides an overview of the maternity, adoption and parental leaves (time away from work) available under labour standards and human rights laws. It also discusses the benefits (money) available through the federal government's Employment Insurance (EI) Program to employees while they are on leave.

leave = time off

benefits = money

Maternity, adoption and parental (MAP) leaves

A. Time off work under labour standards

Saskatchewan's *Labour Standards Act* gives employees the right to unpaid maternity, adoption and parental leave, and the right to return to their jobs once their leave is over. Employees have an automatic right to this time off work, provided they have worked the number of weeks needed to qualify for leave. But even if employees have not met labour standards' leave requirements, they may have a right to leave under Saskatchewan's *Human Rights Code*. Refer to *Time off work* under the human rights section of this part for more information.

Did you know...?
Maternity, adoption and parental leaves are provided by Saskatchewan's *Labour Standards Act*. The benefits or money employees on these leaves receive comes from the federal EI Program of Service Canada.*
* applies to all Canadian jurisdictions except Quebec. See Quebec information at www.cnt.gouv.qc.ca.

MAP leaves at a glance

(Maternity, adoption and parental leaves under *The Labour Standards Act*)

Type of leave	Maternity leave	Adoption Leave	Parental Leave
Who is eligible?	Full-time or part-time employee who is currently working and has worked for the same employer for 20 weeks in the 52-week period before the leave begins.	Full-time or part-time employee who is currently working and has worked for the same employer for 20 weeks in the 52-week period before the leave begins.	Full-time or part-time employee who is currently working and has worked for the same employer for 20 weeks in the 52-week period before the leave begins.
Which employee can take the leave?	Female birth parent.	Parent who is designated as primary caregiver.	Either or both parents.
How long is the leave?	18 weeks of unpaid leave.	18 weeks of unpaid leave.	34 weeks of unpaid leave for the employee who has taken maternity or adoption leave; 37 weeks for the employee who has not taken maternity or adoption leave.

Type of leave	Maternity leave	Adoption Leave	Parental Leave
When does the leave start?	Maternity leave can start any time during the 12 weeks prior to the estimated date of birth, but must start on date of birth at the latest.	Adoption leave starts on the day the child is available for adoption.	If parental leave is combined with maternity or adoption leave, the leaves must be taken consecutively. If maternity or adoption leave is not taken, parental leave must be taken in the period that starts 12 weeks before the estimated date of birth or the estimated date of adoption and ends 52 weeks after the actual date of birth or adoption.

Type of leave	Maternity leave	Adoption Leave	Parental Leave
How much notice does the employee need to give the employer?	Four weeks written notice before the leave is to begin. Notice must identify the date the leave is to begin and include a medical certificate with estimated date of birth. Notice should include an estimated date of return to work.	Four weeks written notice if possible. Otherwise, notice must be whatever is given to the adoptive parents by the Department of Community Resources or the adoption agency or the birth parents. Notice should include an estimated date of return to work.	If taken after maternity or adoption leave, four weeks written notice before the end of the maternity or adoption leave. If taken separately notice should be given four weeks before the leave is to begin.

Type of leave	Maternity leave	Adoption Leave	Parental Leave
What job protection does the employee on leave have?	Employer shall not dismiss, lay off, suspend or otherwise discriminate against an employee because she is pregnant, is temporarily disabled because of pregnancy, or has applied for maternity leave. This job protection exists even during the probationary period.	Employers may not discharge or discipline an employee taking adoption leave.	Employers may not discharge or discipline an employee taking parental leave.
Does the employee get her or his job back when returning from leave?	Employee has the right to return to the same job or a comparable one with similar responsibility with no loss of seniority or benefits or reduction in wages. For purposes of seniority and the rights of recall, being on the prescribed leave does not break service. Seniority, vacation leave and the right of recall continue to accrue while the employee is on leave.	Employee has the right to return to the same job or a comparable one with similar responsibility with no loss of seniority or benefits or reduction in wages. For purposes of seniority and the rights of recall, being on the prescribed leave does not break service. Seniority, vacation leave and the right of recall continue to accrue while the employee is on leave.	Employee has the right to return to the same job or a comparable one with similar responsibility with no loss of seniority or benefits or reduction in wages. For purposes of seniority and the rights of recall, being on the prescribed leave does not break service. Seniority, vacation leave and the right of recall continue to accrue while the employee is on leave.

Can maternity leave exceed 18 weeks?

Maternity leave can be extended six weeks (for a total of 24 weeks) if there is a medical reason for not returning to work. A medical note is needed for this extension. Employers and employees can also agree to a longer leave. To prevent misunderstanding, such agreements should be in writing. Employers may also have company benefit plans or there may be union contracts that provide for longer leaves.

What happens if the child is born after the estimated date of birth? Can the employee delay the start of the maternity leave?

The latest an employee can begin maternity leave is the day her child is born. Women have the right to six weeks of leave after childbirth, even if this causes the total maternity leave taken to be more than 18 weeks.

What are the different ways of taking maternity, adoption and parental leave?

Employees who take maternity, adoption or parental leave are entitled to up to 52 weeks of leave from the workplace. The leave must be taken within the period that starts 12 weeks before the estimated date of birth or date of adoption and ends 52 weeks after the actual date of birth or adoption.

The leaves must be continuous. For example, an employee cannot take four weeks of maternity, adoption or parental leave, return to work for three weeks, and then take the remaining weeks of leave.

Employees can take maternity, adoption or parental leave only or combine them. For example, maternity or adoption leave can be combined with parental leave. When leaves are combined, they must be taken consecutively. Only the mother can take maternity leave and only the primary caregiver can take adoption leave. It is up to the parents to identify the primary caregiver.

Both parents may be eligible to take parental leaves. The parents could take parental leave simultaneously or at different times.

Leaves can be taken in a variety of ways.
Some examples of how the leaves might be combined are given below.

Kathryn takes 52 weeks of leave: 18 weeks of maternity leave and 34 weeks of parental leave. Although her partner would also be eligible to take parental leave, she or he decides not to.

Elizabeth takes 18 weeks of maternity leave and, while she would be eligible to take parental leave also, decides instead to return to work. Her partner takes 37 weeks of parental leave.

Robert takes 18 weeks of adoption leave and, although he is eligible for parental leave, decides to return to work. His partner takes 37 weeks of parental leave.

Julia takes 52 weeks of leave: 18 weeks of maternity leave and 34 weeks of parental leave. Her partner also takes 37 weeks of parental leave at the same times as Julia is on leave.

Can employees on maternity, adoption and parental leave continue participating in company benefit plans?
Yes. Employees on maternity, adoption and parental leave can continue participating in certain company benefit plans. An employer may require the employee to pay the contributions required to maintain the benefits.

Benefit plans in which an employee can continue to participate while on leave include medical, dental, disability or accidental death or dismemberment plans, registered retirement savings plans, and other pension plans.

What if an employee has some unused vacation time? Can she use it before she goes on maternity leave?
Under *The Labour Standards Act*, an employee is entitled to use her annual vacation leave within one year of earning it. The employee and employer should try to agree on the timing of the vacation leave. If they cannot agree, the employer can give the employee four weeks written notice of when the leave is to be taken. If there is no opportunity for the annual holiday leave to be taken, the employee still receives her annual holiday pay, which is calculated on top of salary. For more information, call the Labour Standards Branch at Saskatchewan Labour.

Did you know...?

The Saskatchewan College of Physicians and Surgeons passed a motion in December 1992 recommending that, for a normal pregnancy, a reasonable health-related absence might be up to 15 weeks, including two weeks before the expected date of delivery.

B. Time off work under human rights

What if an employee has not worked long enough to qualify for leave under labour standards law?
Employees are only eligible for maternity, adoption or parental leave under *The Labour Standards Act* if they have worked the required number of weeks for the same employer. What if a pregnant employee changed employers recently, or worked only 18 weeks during the past year? She may still have a right to time off work under human rights law, because of the employer's duty to accommodate a pregnant employee up to the point of undue hardship. Here's how it might work.

> Lisa starts work for Company A on February 1st, when she is 4 weeks pregnant. She expects her baby to be born on September 26th. After working for Company A for 10 weeks, Lisa changes jobs and starts working for Company B. She works another 12 weeks, but then starts to experience spotting and her doctor advises complete bed rest for the rest of her pregnancy. Unfortunately, Company B does not have a sick plan that gives Lisa the right to take time off work.
>
> Lisa is not entitled to 18 weeks of maternity leave under labour standards law, which requires 20 weeks work for the same employer in the previous 52 weeks. However, if Lisa's employer can accommodate her absence without undue hardship – for example, by reorganizing the work, postponing projects or finding a temporary replacement – the employer is required to accommodate Lisa by giving her the time off work she needs.

Human rights law may also fill some of the gaps with regard to adoption or parental leave. This is because employers will always have a duty to accommodate needs related to pregnancy, childbirth or family status, regardless of length of service. (See *The duty to accommodate* section in Part 2 for more information.)

How long does leave last under human rights law, and how should employers and employees deal with issues like notice and the return to work?

There are no general rules that apply to everyone. In all situations, employers and employees must do whatever is reasonable in the circumstances. If you have questions about your own situation, please contact the Saskatchewan Human Rights Commission for advice.[3]

When accommodation is needed.... as an employee....

Tell your employer you need time off work because of pregnancy or childbirth; provide your employer with any necessary medical or other documents showing how much time you need; and provide your employer with a reasonable amount of notice of when you will leave work and when you plan to return.

When accommodation is needed.... as an employer....

Discuss the need for leave with your employee; provide the required amount of leave, unless you can demonstrate that giving your employee time off work would cause you undue hardship; and maintain the employee's right to the position and all related job opportunities.

Did you know...?

The total of all maternity, adoption and parental leaves under *The Labour Standards Act* is usually about one year. However, some company benefit plans and union contracts may allow employees to take more time off work. Check with your employer or union representative to find out about your own situation.

Summary of entitlements for maternity, adoption and parental leaves and EI benefits				
	Maternity	Adoption	Parental	Provided by
Leave	18 weeks of job-protected leave	18 weeks of job-protected leave	34 weeks of job-protected leave for the employee who has taken maternity or adoption leave and 37 weeks of job-protected leave for the other parent	Your employer, as required by *The Labour Standards Act*
Benefits	15 weeks of benefits	*35 weeks of benefits * Parental leave includes adoption leave, for the purposes of EI claims		Employment Insurance Program, Service Canada

Employment Insurance Benefits (Money)

Employees who are on maternity, adoption or parental leave may qualify to receive Employment Insurance (EI) maternity and/or parental benefits through Service Canada. EI benefits are a form of financial support available to eligible employees who have worked in insurable employment. Maternity benefits are payable to the birth mother only. Parental benefits are payable to biological and adoptive parents.

Key words relating to EI benefits

Claimant is the person applying for or making a claim for EI benefits.

Qualifying period is the time during which the employee must have worked in order to be eligible to receive EI benefits.

Waiting period is the time period (14 days) at the beginning of the claim for which a claimant will not receive benefits.

Regular EI is the Employment Insurance paid to individuals who lose their jobs through no fault of their own (for example, due to shortage of work, or seasonal or mass lay-offs) and are available for and able to work, but can't find a job.

Insurable employment includes most situations where an employee works for an employer.

Insured earnings are most of the money paid to an employee by the employer.

An **Exemption Declaration** makes it possible for a claimant not to have to file regular claimant reports.

Parental leave includes adoption leave, for the purposes of EI claims.

A. Qualifying for benefits

How do employees qualify for maternity and/or parental benefits?
To qualify for maternity and/or parental benefits, an employee must have worked in insurable employment, and must have worked the required number of hours in the qualifying period. A formal application is required.

How do employees apply for EI benefits?
To receive maternity or parental benefits, claimants must submit an EI application on-line at www.servicecanada.gc.ca or in person at their local Service Canada office.

When should employees apply for EI benefits?
Claimants should apply for EI maternity and/or parental benefits once they have stopped working and have obtained a Record of Employment (ROE) from their employer. If an ROE has not been received within two weeks of stopping work, the claimant should apply for benefits at that time and bring or mail the ROE to the nearest local office once it is received. The application should be made no later than four weeks after the last day worked.

A claim for maternity benefits can be made as early as 10 weeks before the expected date of birth. In order to receive the full entitlement to maternity benefits, the application should be made no later than the week after the child is expected, or the week after the actual date of birth, whichever is later. Birth mothers can apply for parental benefits at the same time as applying for maternity benefits.

For parental benefits, the application cannot be made any sooner than the week in which the child is born, or, in the case of adoption, the week in which the child is placed in the adoptive home. As parental benefits are normally only payable during the 52 weeks following the date on which the child is born, or, in the case of adoption, the date the child was placed with the adoptive parents, delays in applying for benefits may reduce the maximum amount of benefits that can be paid.

What needs to be included with the EI application?
The following information will be needed:

- Social insurance number (SIN)
- If applying on-line – your mother's last name when she was born and the postal code of your usual place of residence
- If applying in person – personal identification such as a driver's license, birth certificate or passport
- The name, address, dates of employment and reason for separation for all your employers in the last 52 weeks
- Details regarding the most recent employment including your normal salary (e.g. hourly, monthly or annual rate of pay), income for your last week of work (from Sunday to the last day worked), gross amounts received or to be received (vacation pay, severance pay, pension, pay in lieu of notice or layoff) and other money
- Dates for the weeks (Sunday to Saturday) in the last 52 weeks when you did not work, did not receive money and reasons why

- Depending on where you live in Saskatchewan, you may need to provide either: 1) dates and salary before deductions (Sunday to Saturday) of employment in the last 52 weeks when your earnings before deductions were less than $225 but more than $0 per week; or, 2) if your earnings before deductions varied from week to week (Sunday to Saturday), the dates and salary before deductions (Sunday to Saturday) of the 14 weeks with your best or highest earnings in the last 52 weeks, along with the name of the employer in that week
- Name and SIN of the other parent when applying for parental benefits
- Complete bank account information, as shown on your cheques or bank statement, so your payments can be deposited directly into your bank account

When applying for EI parental benefits, a statement declaring the newborn's date of birth must be signed. For an adoption, the claimant must sign a statement declaring the child's date of placement as well as the name and address of the adoption authority.

What if the employee becomes pregnant while unemployed?

If the claimant is receiving regular EI benefits and becomes pregnant, she can receive maternity and/or parental benefits up to a combined maximum of 50 weeks on that claim. For example, if Leslie has already collected regular benefits for 20 weeks, she would be entitled to an additional combination of 30 weeks of maternity and/or parental benefits.

What if the employee must stop work due to illness prior to her maternity period?

If employees are not covered by a paid sick leave or group insurance plan through their employer, they can apply for EI sickness benefits. Sickness benefits may be paid for up to 15 weeks to a person who is unable to work because of sickness, injury or quarantine. To receive sickness benefits, employees are required to have worked at least 600 hours in the last 52 weeks or since the last claim. A medical certificate showing how long the illness is expected to last must be provided.

Employees who make claims for sickness benefits are required to prove not only that they are unable to work, but also that they would be available for work otherwise.

Can the employee and his or her partner both receive parental benefits at the same time?

As long as both parents qualify for parental benefits and wish to share parental benefits, they can take the time together (the 35 weeks can be shared in any proportion between the two of them). Sometimes a mother may want to go back to work after maternity leave is finished and let her partner take the full 35 weeks. Alternatively, an individual may only want to take a few weeks of parental benefits and then return to work, while the partner takes the remaining time – it's the claimants' choice.

What happens if there is a multiple birth or the claimant is adopting more than one child?

The number of weeks of maternity or parental benefits for which employees are eligible does not increase if there is a multiple birth or if more than one child is adopted.

B. Receiving benefits

Is there a waiting period? Can it be deferred or waived?
There is a two-week (14-day) waiting period at the start of the claim for which no benefits are paid.

If an employee receives paid sick leave from her or his employer immediately following the last day of work, she or he may not have to serve a waiting period at the end of the paid leave before the EI benefits start (the waiting period is waived).

If the employee receives group insurance payments, the EI waiting period can be served during the last two weeks that group insurance is being paid.

If parental benefits are being shared by both parents, only one waiting period needs to be served. For example, if a two-week waiting period has already been served for maternity benefits by the first parent, the second parent claiming parental benefits can have the waiting period deferred. In the event the second parent subsequently claims regular or sickness benefits, the two-week waiting period would then need to be served.

If an employee reactivates a claim for benefits in which she or he has already served the two-week waiting period, the waiting period does not need to be served again.

How long do employees receive maternity benefits?
A maximum 15 weeks of maternity benefits are payable to the biological mother in a period surrounding the birth of the child. The employee can start collecting maternity benefits anywhere from eight weeks before she is scheduled to give birth up to the week she gives birth.

If the employee delays in making the application for maternity benefits any later than the week after the expected date of confinement or the actual date of birth, the full 15 weeks of maternity benefits may not be payable. Maternity benefits can be collected up to 17 weeks after the actual week of confinement or the expected week of confinement – whichever is later.

How long do employees receive parental benefits?
A maximum 35 weeks of parental benefits are payable to either biological or adoptive parents. Parental benefits are payable to the biological parents from the date of birth. For adoptive parents, parental benefits are payable from the date the child is placed for adoption.

Parental benefits are normally only available within the 52 weeks following the child's birth, or for adoptive parents within the 52 weeks from the date the child is placed with the employee. If the child is hospitalized, the period for which the employee may claim parental benefits can be extended.

How much money do employees get?
Currently, the basic benefit rate is 55 percent of the employee's average insured earnings up to a maximum amount of $413 per week.

If the employee is in a low-income family (net annual family income of less than $25,921) with children and receives the Canada Child Tax Benefit, the benefit rate may be as high as 80 percent of the average insured earnings. However the maximum payment of $413 will not change.

Some employers provide additional periods of leave and top-ups (extra money) in addition to EI maternity and/or parental benefits. Employees should check with their employer for information about their own situation.

Are these benefits taxable?
EI payments are taxable income, which must be reported on the next income tax return. Both federal and provincial income tax, if it applies, will be deducted from the payment.

When will the first payment be deposited in the claimant's bank account?
The first payment will usually be issued within 28 days from the date of filing the claim if all the required information has been submitted and if the individual qualifies for benefits. It usually takes two or three days following the issue date for payment to arrive in the bank account.

Do employees need to keep submitting reports to receive EI benefits?
The claimant does not have to complete reports while on maternity or parental benefits unless the individual earns money. However, an exemption declaration must be completed when applying for EI.

Can the employee earn money while on a family-related leave and receiving EI benefits?
If a claimant earns money while receiving maternity benefits, her earnings are deducted dollar for dollar from EI benefits.

If a claimant earns money while receiving parental benefits, he or she can earn $50 or 25 percent of his or her weekly benefits – whichever is higher. Any money earned above that amount will be deducted dollar for dollar from EI benefits.

However, for persons living in one of 23 participating economic regions in Canada when their claim begins (in Saskatchewan, this applies only to Northern Saskatchewan), the amount that can be earned before it is deducted from EI benefits is the greater of $75 or 40 percent of weekly benefits.

Part FOUR

Returning to the workplace

This part contains information on ending maternity, adoption or parental leave and Employment Insurance (EI) payments; job-protected time off work when employees or immediate family members are ill; human rights issues that can arise on the return to the workplace; and workplace protections for breastfeeding.

Ending maternity, adoption or parental leave

Must an employee give notice to the employer before returning to work at the end of a maternity, adoption or parental leave?
Yes. *The Labour Standards Act* requires an employee to notify the employer, in writing, at least four weeks before the day she or he plans to return to work. An employer is not required to allow an employee to return until this notice is received.

Do employees have the right to return to their former job without loss of pay or benefits?
Employees have the right to return to the same job or a comparable one with similar responsibility with no loss of seniority or benefits or reduction in wages. For purposes of seniority and the rights of recall, being on maternity, adoption or parental leave does not break service. Seniority, vacation leave and the right of recall continue to accrue while the employee is on leave.

What if an employee cannot return to work on the intended date because she or he is ill? Or because his or her child is ill?
Under *The Labour Standards Act*, employees get up to 12 weeks of unpaid, job-protected time off work when they or immediate family members are ill. Employers may not discharge or discipline employees because of absence due to the employee's illness or the illness of an immediate family member, such as a child, if:

- the illness or illnesses are not serious and the absences do not exceed 12 days in a year; or
- the absences are due to serious illness and do not exceed 12 weeks in a period of 52 weeks.

To qualify for this job-protected leave, an employee must have worked for the current employer for at least 13 consecutive weeks before the absence. (Note, however, that an individual employer may provide greater protections than *The Labour Standards Act*.)

Employees should notify their employer as soon as possible about the illness and the length of time they expect to be absent from the workplace.

The employer can ask the employee for a medical certificate. In some cases, the employee may need to give the employer written notice of a new return date. For more information, contact the Labour Standards Branch at Saskatchewan Labour.

What if the employee's newborn or an older child becomes ill after the employee has returned to work?
Employees can get up to 12 weeks of unpaid, job-protected time off work to care for an ill or injured immediate family member, such as a child. See *Caring for sick or injured children* in Part 5 for more information.

What happens if the employee decides not to return to work?
The employee may decide not to return to work after maternity, adoption or parental leave. Employees should give their employers as much notice as possible if they do not plan to return to work.

What happens if the employee wishes to return to work part-time?
This is something that must be negotiated with the employer. Labour standards law does not require an employer to provide the employee with part-time work.

However, an employer may have a duty under human rights law to accommodate, up to the point of undue hardship, an employee's need to work reduced or more flexible hours when returning to work.

This need could be related to gender, for example, the need to breastfeed, or in limited circumstances to family status. For more information, contact the Saskatchewan Human Rights Commission.

If employees do return to work part-time, they should check whether they are included in any employer benefit plans provided in their workplace. Under labour standards, part-time employees working for a business with the equivalent of 10 full-time employees can participate in the benefits offered to full-time employees.

Ending employment insurance (EI) payments

How do employees end their EI benefits when they return to the workplace after taking maternity, adoption or parental leave?
Most employees will have used up their maximum allowable EI benefits by the time they return to work from maternity, adoption or parental leave. Service Canada usually notifies employees when they have reached the end of their maximum allowable benefits.

Employees who return to work before exhausting their maternity or parental benefits are required to declare all work and earnings. This can be done by reporting the earnings and/or the date full-time employment resumed, on EI reports. For those who opted not to complete reports while receiving maternity and parental benefits, any work or earnings can be reported to Service Canada at 1-800-206-7218.

What happens if the employee decides to return to work earlier than the identified return date?
An employee who returns to work early should inform the EI Program at Service Canada as soon as possible. Service Canada will stop paying benefits.

If an employee decides not to return to work, do EI maternity and parental benefits need to be returned?
Employees do not have to pay back benefits if they decide not to return to work.

Human rights protections

How does human rights law protect employees who are away from the workplace on maternity, adoption or parental leave?
Employees should not lose their jobs or chances to apply for jobs and promotions because they are on leave. Discrimination can include:

- failing to give employees who are on leave a chance to apply for or be considered for promotions or job openings
- during downsizing, choosing to dismiss an employee who is on maternity leave (unless she would have been the logical person to let go even if she had not been away from the workplace).

How are employees protected on their return to work?
Human rights law protects employees from discrimination or unfair treatment because they have taken maternity, adoption or parental leave. Discrimination can include refusing to allow an employee to return from maternity leave because the employer prefers her replacement.

Tip for employers
A good employment practice is to treat someone on leave the same way as employees who are not on leave, unless this would create an undue hardship. If an employer needs to hire someone with particular skills to meet a tight deadline, for instance, it may not be possible to hold this job open until someone returns from parental leave. But hiring a temporary replacement is a reasonable alternative in many situations.

Breastfeeding and the workplace

Canadian courts have said discrimination because of breastfeeding is a form of discrimination because of sex. A woman cannot be dismissed because she is breastfeeding. Nor should she be harassed, or denied promotions or training opportunities. Employers also have a duty to accommodate employees who are breastfeeding their children.

How can an employer accommodate breastfeeding employees?
In an eight-hour shift, a woman will need one to three opportunities to nurse her child or express (pump) milk. Some of the ways an employer can accommodate breastfeeding include:

- flexibility in work schedules
- time at work to breastfeed or express milk
- adequate breaks, e.g. by extending breaks or combining rest and meal breaks
- a comfortable, safe, private and sanitary area where a woman can breastfeed her child or pump and store milk
- part-time work, a leave of absence, or a delayed return from leave if the employee requests it. (Otherwise, the accommodation must enable the employee to return to work to the greatest extent possible.)

In addition, some union contracts may give employees the right to paid breastfeeding breaks.

Part Five

Parenting and the workplace

Many employees will have parenting responsibilities throughout much of their working life. Families can face very different challenges in their efforts to balance work and family obligations, and may need different forms of support. This part provides an overview of the rights and responsibilities of employers and employees during this stage of the parenting journey.

Caring for sick or injured children

Can an employer dismiss an employee for missing work to care for an ill or injured child?

The Labour Standards Act provides up to 12 weeks of job-protected leave to employees who must take time off work to care for immediate family members who are injured or ill. This protection allows parents to take time off work to care for sick or injured children.

If the illness is not serious, the employee is entitled to job protection if the absences do not exceed 12 days in a calendar year. If the illness or injury is serious, the employee is entitled to job protection where the absences do not exceed 12 weeks in a 52-week period. (See Part 4, *Ending maternity, adoption or parental leave,* for more information.) The employee must have been employed by the current employer for 13 continuous weeks to be eligible for this leave. An employer may ask the employee to provide a doctor's note certifying that the child is ill or injured. This leave is unpaid.

Some employers have employer benefit plans that provide paid family responsibility leave. Employees should check with their employer for information about their own situation.

Who is in the "immediate family"?

Under *The Labour Standards Act*, "immediate family" means a spouse, parent, grandparent, child, brother or sister of an employee or the employee's spouse. "Spouse" means a person with whom an employee has lived continuously as a spouse for two years or in a relationship of some permanence if they are parents of a child.

Making flexible work arrangements work for families

The Labour Standards Act allows employers to apply to the Labour Standards Branch for a permit to vary employees' hours of work. A majority of employees must agree to this application. The permit enables employers and employees to work together to create a schedule that meets the needs of their particular workplace.

Did you know...?

The Work and Family Unit, Department of Labour has specialized audit and research tools which employers and employees can use to assess the extent to which their workplaces are flexible and family-friendly.

When employers apply for this permit, it is important that they consider how the proposed hours of work will affect the child care arrangements of employees with children. If it is brought to the attention of the Labour Standards Branch that the proposed averaging permit will have a negative impact on an employee's dependent care arrangements, the branch may make accommodation of the working parents a condition of receiving the permit. For more information, contact the Labour Standards Branch at Saskatchewan Labour.

What happens if an employee's child is gravely ill?

Employees who need to take an extended period of time away from work to care for a child who is gravely ill and at risk of dying may be eligible for compassionate care benefits under the federal *Employment Insurance Act*.

Under *The Labour Standards Act*, employers may not dismiss or discipline an employee for being absent from work if the employee is receiving or is in the waiting period to receive **compassionate care benefits**. The *Act* also indicates that the total number of weeks of leave cannot exceed 16 weeks in any 52-week period.

The employee does not have to be employed with the employer for 13 consecutive weeks prior to the absence to qualify for compassionate leave. However, the employee must have worked the minimum number of insurable hours required to be eligible for Employment Insurance benefits.

To learn more about compassionate care benefits, contact Service Canada. For more information on the conditions that must be met to qualify for job-protected leave while receiving or waiting to receive compassionate care benefits, contact the Labour Standards Branch at Saskatchewan Labour.

Do employees get time off when a family member dies?

After three continuous months of employment with the same employer, an employee can get bereavement leave of up to five working days if a member of the employee's immediate family (such as a child) dies.

Bereavement leave must be taken in the period from one week before the funeral to one week after the funeral. Employers do not have to pay employees for the time they are on leave. Employees have the right to bereavement leave upon the death of a spouse or of a parent, grandparent, child, brother or sister of the employee or the employee's spouse.

Human rights protections

Who is protected from discrimination because of family status?
The Saskatchewan Human Rights Code defines family status as ***"the status of being in a parent and child relationship."*** It goes on to define child and parent in the following way:

- ***"child"*** means son, daughter, stepson, stepdaughter, adopted child and person to whom another person stands in place of a parent
- ***"parent"*** means father, mother, stepfather, stepmother, adoptive parent and person who stands in the place of a parent to another person

On the one hand, the definition of family status is limited because it only covers the parent and child relationship. It does not include the relationship between an aunt and a niece, for example, or the relationships between grandparents and grandchildren. On the other hand, the definitions of parent and child are quite broad because they include anyone playing those roles. Therefore, an aunt who is fulfilling parental responsibilities towards a niece would be considered a "parent" under the *Code* because she is standing in the place of a parent.

Family status protection covers the parent-child relationship in the full range of family structures in our society. They include families created through adoption or remarriage; families headed by lone parents, common-law couples or same-sex couples; and families from a growing variety of cultural backgrounds. In some cultures, parental responsibilities are customarily assumed by grandparents or other members of the extended family. Legal guardians and foster parents may also have rights to family status protection in some situations.

What is discrimination based on family status?

Because "family status" is a relatively new addition to human rights law, there are still questions about how the courts will interpret this protection. However, it is clear that employers cannot discriminate against an employee for the following reasons:

- she or he is a parent (e.g., refusing to hire someone because she or he has children)
- he or she is the child or parent of a particular person (e.g. firing someone because of a dispute with the employee's parent)
- negative attitudes or stereotypes about employees with family obligations (e.g. refusing promotions or training opportunities to parents on the assumption that they will take more time off work or be less committed to their jobs than employees without children).

Do employers have a duty to accommodate family responsibilities?

In some situations, an employer will have a duty to accommodate an employee's family responsibilities so long as the necessary adjustments do not create undue hardship for the employer. Cases may involve requests for extended parental leave or modified hours of work because of child care needs. In 2004, the British Columbia Court of Appeal found that an employer discriminated against an employee on the basis of family status by changing her schedule in a way that made it impossible for her to continue providing after-school care to her son, a high needs child with a major disability. The court found the employer had a duty to accommodate the employee's serious parental responsibilities. However, it also emphasized the exceptional circumstances of the case. Questions about whether a particular situation could be viewed as family status discrimination should be directed to the Saskatchewan Human Rights Commission.

Part SIX

Information and help

This part identifies the provincial and federal organizations from which information may be obtained.

Saskatchewan

Government Departments and Services

Labour Programs

Saskatchewan Labour

Work and Family Unit

The Work and Family Unit works with Saskatchewan people, organizations, businesses and communities to find ways for Saskatchewan workplaces to become more family-friendly.

For more information on how the unit can support and assist workplaces to become more family-friendly, contact the **Work and Family Unit, Saskatchewan Labour** in Saskatoon at (306) 933-7983 or visit their Web site at www.workandfamilybalance.com.

For more information ...

If you want more information on the latest research, innovative strategies, benefits and legal protections other provinces and employers are making available to their employees in the area of work and family, contact the Work and Family Unit or the Status of Women Office at Saskatchewan Labour or visit their Web sites for more information.

Labour Standards Branch

The Labour Standards Branch of Saskatchewan Labour is responsible for administering *The Labour Standards Act*. The branch works with employers and employees to promote fair workplace practices through public information and education programs, and mediation and investigation of complaints.

For information on family-related leaves, contact the **Labour Standards Branch, Saskatchewan Labour** at 1-800-667-1783 (toll free) or (306) 787-2438 (in Regina) or visit their Web site at www.labour.gov.sk.ca.

Status of Women Office

The Status of Women Office provides strategic direction and leadership on policies and programs that affect the status of women in Saskatchewan. The office is the single window into government on women's issues and provides support and training to government on gender-based analysis.

For more information on the programs and services this office provides, contact the **Status of Women Office (Regina), Saskatchewan Labour** at (306) 787-7401 or visit their Web site at www.swo.gov.sk.ca.

Occupational Health and Safety Division

The Occupational Health and Safety Division is responsible for administering *The Occupational Health and Safety Act, 1993* and *The Radiation Health and Safety Act, 1985*. The division works to improve workplace health and safety in Saskatchewan through public information and education programs, encouraging worker/employer cooperation, training and orientation, and enforcing minimum health and safety standards in the workplace.

For information on how the health and safety of pregnant and parenting employees is protected, contact the **Occupational Health and Safety Division, Saskatchewan Labour**. Contact the Regina office at 1-800-567-7233 (toll free) or the Saskatoon office at 1-800-667-5023 (toll free), or visit the OH&S Web site at www.labour.gov.sk.ca.

Human Rights

Saskatchewan Human Rights Commission

The Saskatchewan Human Rights Commission is responsible for administering *The Saskatchewan Human Rights Code*. The commission promotes equality and protects Saskatchewan residents from discrimination through public education, equity programs, and the enforcement of the anti-discrimination provisions of the *Code* through the mediation, investigation or litigation of complaints.

For information about human rights and responsibilities related to pregnancy, childbirth, adoption or family status, contact the **Saskatchewan Human Rights Commission** by telephone at 1-800-667-9249 (toll free), by telewriter at (306) 373-2119, by e-mail at shrc@shrc.gov.sk.ca or visit their Web site at www.gov.sk.ca/shrc.

Health Services

HealthLine is a free, confidential 24-hour health advice telephone line staffed by registered nurses. They can provide you with immediate, professional health advice or information, and direct you to the most appropriate source of care. HealthLine can help you decide whether you should treat your own symptoms, go to a clinic, wait to see your doctor or go to a hospital emergency room. For more information, contact the HealthLine at 1-877-800-0002.

Saskatchewan Health Regions

Local health regions provide health services for people of all ages. There may be information lines, classes, clinics and support services available that support family health. Please look in your phone book for the number of an office near you.

Community Organization

Breastfeeding Committee for Saskatchewan

The Breastfeeding Committee for Saskatchewan, Inc. (BCS) is a network of health professionals and consumers working to protect, promote and support breastfeeding within Saskatchewan as the optimal method of infant feeding. For more information, contact the BCS at (306) 528-4439 or visit their Web site at http://www.saskatoonhealthregion.ca/your_health/ps_bf_about_bcs.htm.

Did you know...?

Copies of *The Labour Standards Act* and *The Occupational Health and Safety Act, 1993* can be downloaded from Saskatchewan Labour's Web site at www.labour.gov.sk.ca. Copies of *The Saskatchewan Human Rights Code* can be downloaded from the Web site of the Saskatchewan Human Rights Commission at www.gov.sk.ca/shrc. For a small fee, copies can also be ordered from:

Queen's Printer for Saskatchewan
Walter Scott Building, B19-3085
Albert Street, Regina, SK S4S 0B1
Phone: (306) 787-6894
Fax: (306) 798-0835
Toll-free 1-800-226-7302
Email: qprinter@justice.gov.sk.ca

Canada

Government Departments and Services

Employment Insurance Program

Service Canada

Maternity, parental/adoption, sickness and compassionate care benefits

Service Canada is responsible for the administration of the maternity, parental, sickness and compassionate care benefits provided through *The Employment Insurance Act*.

For information on Employment Insurance (EI) maternity, parental, sickness and compassionate care benefits, including questions about who qualifies, contact Service Canada – EI Program at 1-800-206-7218 (toll free), or visit their Web site at www.servicecanada.gc.ca. For in person services, visit the Service Canada Centre nearest you.

Labour Programs

Human Resources Skills Development Canada

Canada Labour Code (Labour Program)

Most businesses in Saskatchewan – about 90 percent – are covered by the provincial *Labour Standards Act* and *Occupational Health and Safety Act*. The other 10 percent fall under the *Canada Labour Code*. Broadly speaking, the *Code* applies to organizations such as banks, Canada Post and interprovincial trucking.

For information on maternity and parental leave under the *Canada Labour Code*, contact Human Resources Skills Development Canada. If you live in the southern part of Saskatchewan, call the southern office at 1-306-780-5408 or 1-306-975-4303 if you live in the northern part of Saskatchewan. Or visit their Web site at www.hrsdc.gc.ca.

Human Rights

Canadian Human Rights Commission

Most employers and employees in Saskatchewan are covered by *The Saskatchewan Human Rights Code*. Generally speaking, the employers and employees likely to be covered by *The Canadian Human Rights Act* are the same as those covered by the *Canada Labour Code*. For more information, call the Canadian Human Rights Commission at 1-888-214-1090 or visit their Web site at www.chrc-ccdp.ca.

Endnotes

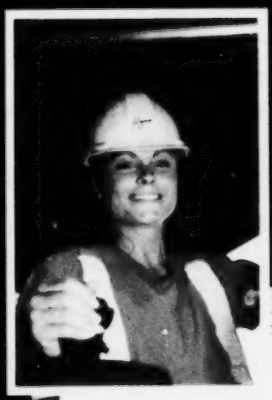
[1] For example, among parents with children 5 years of age or under, 73 percent of mothers with partners (including married, common-law or same-sex partners) are employed, as are approximately 74 percent of lone-parent mothers and 93 percent of fathers with partners. Vanier Institute of the Family, 2004. Profiling Families III. Ottawa: Vanier Institute of the Family, p. 74. (Source: Statistics Canada, 2001, Census of Population Catalogue 95F0378XCBO1004.)

[2] Duxbury, Linda, and Higgins, Christopher, 2003. Work-Life Conflict in the New Millennium – a status report. Ottawa: Canadian Policy Research Networks. 23-38.

[3] How do leaves under labour standards compare with leaves under human rights law? Generally, *The Labour Standards Act* establishes minimum standards that employers and employees know with some certainty. For example, a woman who qualifies for the basic 18-week maternity leave has the right to take 18 weeks off work regardless of her circumstances.

It is important to note, however, that even if an employee does not qualify for maternity, adoption or parental leave under *The Labour Standards Act,* he or she may have additional rights under *The Saskatchewan Human Rights Code*. Employees have the right to have their employers consider special circumstances arising from pregnancy or family status, and to do what is necessary to prevent discriminatory treatment.

We would like to thank Myrna Bentley, President and CEO of Concentra Financial, and Ben Hjermstad, Office Manager of Golder Associates Ltd., for agreeing to the inclusion of their pictures on the cover of this publication. Concentra Financial was the winner of the 2005 Saskatchewan Work & Family Balance Award in the category of 'Large Workplace'; Golder Associates was the winner of the 2005 Saskatchewan Work & Family Balance Award in the 'Medium Workplace' category



Saskatchewan Labour

SASKATCHEWAN HUMAN RIGHTS COMMISSION

Canada